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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,006	03/06/2001	James C. Rush	STE01 P-1086	5256

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,006

Applicant(s)

RUSH ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-34, 65-89 and 94-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-34 and 94-99 is/are allowed.
- 6) ☒ Claim(s) 65-69, 77, 80, 81 and 88 is/are rejected.
- 7) ☒ Claim(s) 70-76, 78, 79, 82-86 and 89 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: see the marked attachment.

DETAILED ACTION

Withdrawal of Previously Allowable Subject Matter

The indicated allowability of claims 65-69,77,80,81 and 88 is withdrawn in view of a more careful review of the reference(s) to DWILLIES. Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 69 is objected to because of the following informalities: Claim 69 recites the limitation "the mount portion" in last line. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim 87 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 87 depends on claim 88; however, none of the provisions or limitations of claim 88 have been introduced. As such, the elements of claim 87 are not in proper dependent form.

Claim 94 is objected to because of the following informalities: Claim 69 recites the limitation "said overhead beam" in line 8. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 65-69 and 77 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,277,512 to DWILLIES. DWILLIES discloses the use of a post and beam furniture system for partitioning open including a plurality of overhead beams (10), each having opposite ends; a plurality of vertical posts (12), each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with the opposite ends of said overhead beams (10) to support said beams (10) at a predetermined elevation above average user height; at least one of said posts having an X-shaped plan (see figure 14E) configuration defining four mutually perpendicular, outwardly extending flanges (F), each of which has an end face (EF) with a single T-shaped vertical slot (T) extending centrally therealong; at least one of said posts (12) having a Y-shaped plan configuration (see figure 14D) defining three regularly spaced apart, outwardly extending flanges (F2), each of which has an end face (EF2) with a single T-shaped vertical slot (T2) extending centrally therealong (Column 8, lines 57-65); and a plurality of beam-to-post connectors (14,50) attached to the opposite ends of said beams, and detachably retained in said slot (T,T2) of aligned pairs of said flanges (F,F2) on said posts (12) to support said beams (10) on said posts (12) at said predetermined elevation, see the marked attachment. Regarding claim 66, the at least one of said beam-to-post connectors (14,50) of DWILLIES further includes an outwardly projecting stop (14,52) which abuts an uppermost end of an adjacent one of said posts (12) to locate and positively retain an associated one of said beams (10) at said predetermined elevation. In reference to claim 67, DWILLIES also includes at least

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one partition accessory (20) configured to equip said furniture system for users, and having a mount portion (being the edges of the panel thereof) detachably retained in said slot (22) of one of said posts (12). Regarding claim 68, the at least one of said beams has an uppermost face with a single T-shaped horizontal slot (22) extending therealong, and a lowermost face with a single T-shaped horizontal slot (22) extending therealong. In reference to claim 67, at least one of said beam-to-post connectors (14,50) has key portions (14,52) thereof detachably retained in said slots (T,T2) in the uppermost and lowermost faces of said one of said beams (10). Regarding claim 69, one of said beams (10) includes opposite side faces, each of which includes a T-shaped hanger slot (22) extending longitudinally therealong; wherein the T-slots (22) are sized and shaped to receive the mount portions (being the edges of the panel thereof) of the accessory (20) therein. In reference to claim 77, DWILLIES discloses at least one of said beams has an uppermost face with a single T-shaped horizontal slot (22) extending therealong, and a lowermost face with a single T-shaped horizontal slot (22) extending therealong. And at least one of said beam-to-post connectors (14,50) has key portions (14,52) thereof detachably retained in said slots (22) in the uppermost and lowermost faces of said one of said beams (10).

Claims 80,81 and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,277,512 to DWILLIES. DWILLIES discloses the use of a post and beam furniture system for partitioning open including a plurality of overhead beams (10), each having opposite ends; a plurality of vertical posts (12), each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface

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of the open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with the opposite ends of said overhead beams (10) to support said beams (10) at a predetermined elevation above average user height; at least one of said posts having an X-shaped plan (see figure 14E) configuration defining four mutually perpendicular, outwardly extending flanges (F), each of which has an end face (EF) with a single T-shaped vertical slot (T) extending centrally therealong; at least one of said posts (12) having a Y-shaped plan configuration (see figure 14D) defining three regularly spaced apart, outwardly extending flanges (F2), each of which has an end face (EF2) with a single T-shaped vertical slot (T2) extending centrally therealong (Column 8, lines 57-65); and a plurality of beam-to-post connectors (14,50) attached to the opposite ends of said beams, and detachably retained in said slot (T,T2) of aligned pairs of said flanges (F,F2) on said posts (12) to support said beams (10) on said posts (12) at said predetermined elevation, see the marked attachment. The at least one of said beam-to-post connectors (14,50) of DWILLIES further includes an outwardly projecting stop (14,52) which abuts an uppermost end of an adjacent one of said posts (12) to locate and positively retain an associated one of said beams (10) at said predetermined elevation and also includes at least one partition accessory (20) configured to equip said furniture system for users, and having a mount portion (being the edges of the panel thereof) detachably retained in said slot (22) of one of said posts (12). In reference to claim 81, one of said beams (10) includes opposite side faces, each of which includes a T-shaped hanger slot (22) extending longitudinally therealong; wherein the T-slots (22) are sized and shaped to receive the mount portions (being the

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edges of the panel thereof) of the accessory (20) therein. Regarding claim 88, the at least one of said beams has an uppermost face with a single T-shaped horizontal slot (22) extending therealong, and a lowermost face with a single T-shaped horizontal slot (22) extending therealong and least one of said beam-to-post connectors (14,50) has key portions (14,52) thereof detachably retained in said slots (T,T2) in the uppermost and lowermost faces of said one of said beams (10).

Allowable Subject Matter

Claims 30-34 and 94-99 are allowed.

Claims 70-76,78,79,82-86-87 and 89 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

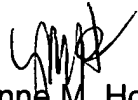
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Art Unit 3635
5/31/05

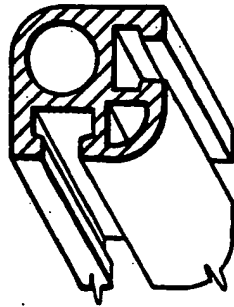


FIG. 14A

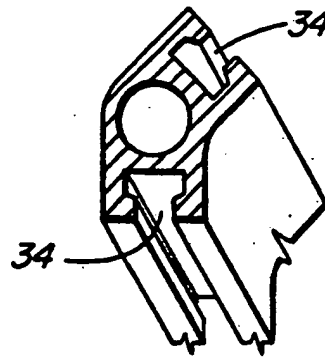


FIG. 14B

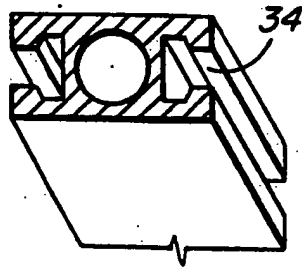


FIG. 14C

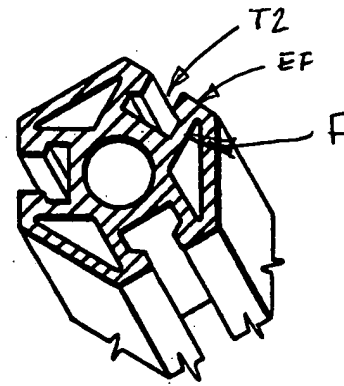


FIG. 14D

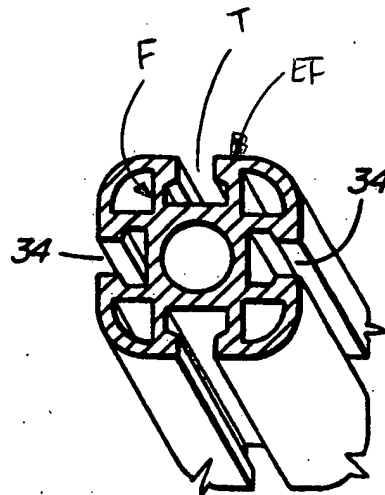


FIG. 14E